

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	05-11524-PBS
ONE COMPAQ MODEL 2100 LAPTOP)	
COMPUTER SERIAL NUMBER CNF43021JP)	
CONTAINING A SUBFOLDER ENTITLED)	
"ANIMAL FARM" AND UNALLOCATED SPACE))	
ON HARD DRIVE CONTAINING PICTURES)	
Defendant.)	

UNITED STATES' MOTION FOR FINAL JUDGMENT
AND ORDER OF FORFEITURE

The United States of America, by its attorney Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves for entry of a Final Judgment and Order of Forfeiture, forfeiting One Compaq Model 2100 Laptop Computer Serial Number CNF43021JP (the "Defendant Computer") Containing a Subfolder Entitled "Animal Farm" and Unallocated Space on Hard Drive Containing Pictures (the "Defendant Images").

In support of this Motion, the Government states that on November 10, 2005, it filed a Motion for Entry of Default and Affidavit of Jennifer H. Zacks in Support of the Motion for Entry of Default. On November 28, 2005, this Court entered a Notice of Default which was entered on the docket as Document 7. The Notice was entered against Eugene John Fitzgerald, and all other persons claiming an interest in the Defendant Computer and Defendant Images, for their failure to answer or otherwise defend in this action. No responses to the Motion for Entry of Default have been

filed.

WHEREFORE, the United States of America requests that this Court enter a Final Judgment and Order of Forfeiture, forfeiting the Defendant Computer and Defendant Images. A proposed Order is attached.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jennifer H. Zacks
JENNIFER H. ZACKS
Assistant U.S. Attorney
1 Courthouse Way
Suite 9200
Boston, MA 02210
(617) 748-3100

Date: December 14, 2005

CERTIFICATE OF SERVICE

I, Jennifer H. Zacks, Assistant U.S. Attorney, hereby certify that a true copy of the foregoing was served upon Eugene John Fitzgerald, 16 Wadsworth Street, Allston, MA 02134-1822 by first class mail, postage prepaid.

/s/JENNIFER H. ZACKS
Jennifer H. Zacks
Assistant U.S. Attorney

Date: December 14, 2005

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Defendant.)	

FINAL JUDGMENT AND ORDER OF FORFEITURE

This Court having allowed Plaintiff's Motion for Entry of Default and having issued a Notice of Default, it is hereby

ORDERED, ADJUDGED and DECREED:

1. That judgment be and hereby is entered in favor of the Plaintiff, the United States of America;

2. That the Defendant Computer and Defendant Images, described herein as One Compaq Model 2100 Laptop Computer Serial Number CNF43021JP (the "Defendant Computer") Containing a Subfolder Entitled "Animal Farm" and Unallocated Space on Hard Drive Containing Pictures (the "Defendant Images"), is hereby forfeited to the United States of America pursuant to 19 U.S.C. §1305 and 19 U.S.C. §1595a;

3. That any claim of interest of Eugene John Fitzgerald, and any other parties claiming any right, title, or interest in or to the Defendant Computer and Defendant Images, is hereby held in default and dismissed, having been defaulted on November 28, 2005;

4. That the United States of America, through the United States Immigration and Customs Enforcement, shall retain the Defendant Computer and Defendant Images in its secure custody and control, and shall dispose of it in accordance with law; and

5. That this Court shall retain jurisdiction in this case solely for the purpose of enforcing the terms of this judgment; otherwise, this Order shall be, and hereby is, the full and final disposition of this civil forfeiture action.

APPROVED AND SO ORDERED:

PATTI B. SARIS
United States District Judge

Date: _____, 2005